

Regular Meeting  
Frankfort Board of Commissioners

June 26, 2006  
5:30 P.M. (EDT)

PRESENT

Commissioner Kathy Carter  
Commissioner Lynn Bowers  
Commissioner Rodney Williams  
Commissioner J. W. Bryan  
Mayor William I. May, Jr. (5)

ABSENT

None (0)

The Invocation was given by Rev. Jerry Parritt, First Assembly of God Church. The Pledge of Allegiance was recited.

**Ceremonial Items**

The following employees were recognized for promotion and retirement:

Fire Department: Mike R. Ferguson for promotion to rank of Sergeant  
Mark Johnston for retirement with 21 years of service (Mr. Johnston was not present).  
Police Department: Thomas J. Faulkner for retirement after 27 years service.  
Don Smith for retirement after 19 years service.

Norm Reitmeyer and John Gordon representing the National Weather Service, made a presentation designating Frankfort as a “Storm Ready” Community.

It was moved by Commissioner Carter, seconded by Commissioner Williams, that the minutes of the May 22, 2006 Regular Meeting; June 12, 2006 Work Session and June 14, 2006 Special Meeting be approved as distributed. Commissioner Bowers called for a reading of the minutes. Following discussion, Commissioner Carter withdrew the motion to approve the minutes. It was moved by Commissioner Williams, seconded by Commissioner Carter, to dispense with the reading of the minutes of the May 22, 2006 Regular Meeting; June 12, 2006 Work Session and June 14, 2006 Special Meeting and approve as presented. It was moved by Commissioner Bowers, to amend the motion to require corrections be made to the minutes of the May 22, 2006 Regular Meeting; June 12, 2006 Work Session and June 14, 2006 Special Meeting. Following discussion, Commissioner Bowers withdrew the motion. It was moved by Commissioner Williams, seconded by Commissioner Carter, to amend the motion to include three changes presented by Commissioner Bowers. The question was put upon the motion and the roll called. Those voting in favor of the amendment were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the amendment were none (0). The amendment was thereupon adopted. It was moved by Commissioner Williams, seconded by Commissioner Carter to approve the minutes of the May 22, 2006 Regular Meeting; June 12, 2006 Work Session and June 14, 2006 Special Meeting, as amended. Following discussion, it was moved by Commissioner Carter that it be the responsibility of Commissioners to review minutes and have changes made prior to meetings, and that minutes not be read during meetings. The motion died for lack of a second. The question was put upon the motion as amended to approve the minutes of the May 22, 2006 Regular Meeting; June 12, 2006 Work Session and June 14, 2006 Special Meeting and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion, as amended, was thereupon adopted.

Eric Burke, Chairperson of Holmes Street Neighbors Association, thanked the City for its part in Holmes Street recently being named the “Most Improved Street in Frankfort” as part of the Frankfort Area Chamber of Commerce “Best of” Awards.

“AN ORDINANCE AMENDING THE CITY OF FRANKFORT CODE OF ORDINANCES, CHAPTER 37, PERSONNEL; CITY EMPLOYEES, SECTION 37.34, BIWEEKLY RATES” was presented and read. This Ordinance had its first reading May 22, 2006. It was moved by Commissioner Carter, seconded by Commissioner Bowers, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 10, 2006 Series).

“AN ORDINANCE AMENDING ORDINANCE NO. 8, 1983 SERIES BY AMENDING THE CITY OF FRANKFORT ZONING ORDINANCE - ARTICLE 11 IN ITS ENTIRETY TO CREATE “COMPATIBILITY AND DESIGN STANDARDS”; AND AMENDING ARTICLE 5, SECTION 5.04; ARTICLE 6 SECTION 6.034, 6.06, ARTICLE 8 SECTION 8.306, 8.402; AND ARTICLE 10, SECTION 10.271 OF SAID ZONING ORDINANCE REFERENCED WITHIN CHAPTER 152 OF THE FRANKFORT CODE OF ORDINANCES” was presented and read. This Ordinance had its first reading May 22, 2006. It was moved by Commissioner Williams, seconded by Commissioner Carter, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 11, 2006 Series).

“AN ORDINANCE APPROPRIATING OF THE REVENUE TO BE RECEIVED BY THE CITY OF FRANKFORT FOR FISCAL YEAR 2006-2007” was presented and read. This Ordinance had its first reading May 22, 2006. It was moved by Commissioner Carter, seconded by Commissioner Bryan, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Williams and Bryan, and Mayor May (4). Voting against the motion was Commissioner Bowers (1). The motion was thereupon adopted (Ordinance No. 12, 2006 Series).

“AN ORDINANCE AMENDING ORDINANCE NO. 11, 2005 SERIES, AND FRANKFORT CODE OF ORDINANCES SECTIONS 37.32 PAY PLAN (SALARY ORDINANCE)” was presented and read. This Ordinance had its first reading May 22, 2006. It was moved by Commissioner Carter, seconded by Commissioner Bryan, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 13, 2006 Series).

“AN ORDINANCE AMENDING ORDINANCE NO. 26, 2005 SERIES AND FRANKFORT CODE OF ORDINANCES SECTION 111.38 TO ESTABLISH THE ANNUAL FEE TO BE PAID BY BUSINESSES PROPERLY ENGAGED IN THE SUNDAY SALE OF DISTILLED SPIRITS, BEER OR MALT BEVERAGES AND WINE BY THE DRINK BY CERTAIN HOTELS, MOTELS AND RESTAURANTS” was presented and read.

“AN ORDINANCE AMENDING ORDINANCE NO. 8, 1983 SERIES BY AMENDING THE CITY OF FRANKFORT ZONING ORDINANCE - ARTICLE 1, SECTION 1.09 PROVISIONS FOR WAIVERS AND MODIFICATIONS AS WELL AS ARTICLE 4, SECTIONS 4.226; 4.236; AND 4.306 OF THE CITY OF FRANKFORT'S ZONING ORDINANCE. SPECIFICALLY, THE REQUEST IS TO AMEND THE MODIFICATION PROVISIONS OF THE SPECIFIC CRITERIA, STIPULATING THE APPLICANT'S RESPONSIBILITIES CONCERNING MODIFICATIONS, AND CHANGING THE REQUIREMENTS OF FRONTAGE ROADS WITHIN THE CG, CH, AND IC DISTRICTS” was presented and read.

“AN ORDINANCE AMENDING ORDINANCE NO. 8, 1983 SERIES BY AMENDING THE CITY OF FRANKFORT ZONING ORDINANCE - ARTICLE 13, TABLE 13.3 STANDARDS FOR PERMITTED SIGNS OF THE CITY OF FRANKFORT'S ZONING ORDINANCE” was presented and read.

“AN ORDINANCE AMENDING ORDINANCE NO. 8, 1983 SERIES BY AMENDING THE CITY OF FRANKFORT ZONING ORDINANCE - ARTICLE 17, SECTION 17.10 DESIGN GUIDELINES FOR EXTERIOR REMODELING, SUBSECTION 17.10.9.A. - WALLS AND FENCES” was presented and read.

“AN ORDINANCE RELATED TO THE PROTECTION OF THE PUBLIC HEALTH AND WELFARE BY REGULATING THE SMOKING OF TOBACCO PRODUCTS IN BUILDINGS OPEN TO THE PUBLIC” was presented. It was moved by Commissioner Carter, seconded by

Commissioner Bryan, to amend the Ordinance to remove the exceptions for hospitals, nursing homes and hospice facilities. Following discussion, the question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter and Bryan, and Mayor May (3). Voting against the motion was Commissioner Williams (1). Abstaining from voting was Commissioner Bowers (1). The motion was thereupon adopted by a vote of four to one (4-1).

City Solicitor Robert Moore summarized the Ordinance for those in attendance. Following discussion, citizen comments were received from the following persons: Ed Combess, Jeff Hancock, Jim Anderson Stivers, Anne Gibbs, Darrel Columbia, Norman Devers, Norman Snyder, Chris Palmer, Dr. Connie White, Carol Riker, and Ruth Knight.

Without objection, the meeting recessed on a motion by Commissioner Bowers, seconded by Commissioner Williams.

Meeting reconvened at 8:10 p.m., with all members present.

Additional comments were received from Alice Grace, Tonya Chang, Rosie Miklavcic, Terry Williamson, and Eric Burke.

It was moved by Commissioner Bowers, seconded by Commissioner Williams, that the Ordinance be amended to prohibit smoking in only those businesses wherein children can be found, and health care facilities. Following discussion, the question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers and Williams (2). Those voting against the motion were Commissioners Carter and Bryan, and Mayor May (3). The motion failed.

It was moved by Commissioner Carter, seconded by Commissioner Bryan, that the Ordinance be revised so that any language in the Ordinance be consistent throughout pursuant to the earlier amendment removing exceptions for hospitals, nursing homes and hospitals. The question was put upon the motion and the roll called. Those voting in favor were Commissioners Carter and Bryan, and Mayor May (3). Voting against the motion was Commissioner Williams (1). Abstaining from voting was Commissioner Bowers (1). The motion was thereupon adopted by a vote of four to one (4-1).

“AN ORDINANCE RELATED TO THE PROTECTION OF THE PUBLIC HEALTH AND WELFARE BY REGULATING THE SMOKING OF TOBACCO PRODUCTS IN BUILDINGS OPEN TO THE PUBLIC” as amended was read by title and summary.

“AN ORDER RENAMING THE 200 BLOCK OF FOWLER STREET TO HERMITAGE DRIVE AND RENAMING THE 400 BLOCK OF FOWLER STREET AND ADMIRALS LANDING TO ONLY ADMIRALS LANDING” was presented. It was moved by Commissioner Carter, seconded by Commissioner Bowers, that the Order be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Order No. 6, 2006 Series).

### **Consent Agenda**

The following miscellaneous and personnel items were presented:

- 6.1 Authorized the purchase of an Emergency Dispatch Center/Mobile Command Post under a cooperative agreement with the Franklin County Sheriff Department (FCSD); a Memorandum of Agreement, to be executed prior to the expenditure of any funds; City to provide \$20,000 toward this purchase (Communications);
- 6.2 Authorized purchase of In-Car Video Equipment from International Police Technologies, Inc.; contract price of \$2,200 per camera for a total purchase of \$22,000; purchase to be under state contract number M-01157789; \$35,000 is budgeted in equipment account 100.43.56550 (Police Department);
- 6.3 Approved an agreement with Blue Grass Community Action Partnership, Inc. (BGCA) for public transportation services and authorized the Mayor to sign the Agreement; program to provide public transportation for recipients of Medicaid, Transitional Assistance, Department for the Blind, and Department for Vocational Rehabilitation; required of City in order to continue to receive Transit Grants (Public Works);
- 6.4 Approved the third-year audit proposal by Larry T. Williams, CPA, for Fiscal-Year 2005-2006; audit fee will be \$26,000; funds are available in the General Fund Budget Account No. 100.10.53220 and Sewer Operations and Management Account No. 200.68.53220 (Finance Department);
- 6.5 Authorized the balance of the architect design fee with Architects Design Group for the Public Safety Building; additional costs approximately \$471,971; Total design cost to be \$1,040,205 (Finance Department);
- 6.6 Authorized a contract with Community Merchant Service to provide debit and credit card services for Juniper Hills Golf Course; fees based upon a percentage of expenditures plus a service fee; approximate cost of \$5,000/year expected to be absorbed by increased golf course revenues (Finance Department);
- 6.7 Approved Change Order # 2 with SJ Cox Enterprises, Inc., for the Benson Creek Force Main Replacement Project; change order due to necessary field modifications; change order, in the amount of \$6,426, bringing total contract amount to \$217,119; funds available in account 300.68.56550 (Sewer Department);
- 6.8 Authorizes entering into a 36-month lease agreement with Ratliff Rentals to store Fire and EMS vehicles and equipment; monthly rental of \$1,400.00; lease may be terminated with a 30-day notice; Funds are available in Fiscal Year 2006-2007 in account 100.42.53270 (Fire Department);
- 6.9 Authorized encumbering Fiscal Year 2006 funds for a purchase to be made in Fiscal Year 2007; \$200,000 FY 05-06 funds to be combined with FY 06-07 funds to purchase a new aerial truck; \$200,000 budgeted in Fiscal-Year 2006 in account 100.42.56550 (Fire Department);
- 6.10 Authorized encumbering budgeted funds from current budget for Professional Services to be secured by the Planning Commission relating to the Comprehensive Plan Update; amount is half of the anticipated costs to the Planning Commission should a consultant be required and will be shared with Franklin County Fiscal Court; should the Planning Commission not use professional services for the Comprehensive Plan Update, the encumbered \$40,000 would be returned to the City’s General Fund; approximately \$63,500 remains FY 05/06 budget, account number 100.70.53265 (Planning and Building Codes);
- 6.11 Authorized Addendum No. 1 to PlanGraphics, Inc; will assist Sewer Department staff prepare Request for Proposals for Work Order Tracking Program, and perform a sewer customer audit utilizing GIS and customer database; PlanGraphics contract not to exceed \$22,000; funds available in FY 06-07 budget from Account No. 200.68.53265 (Sewer Department);
- 6.12 Authorized a Request for Qualifications for engineering services for undertaking a Capacity Management Operation and Maintenance (CMOM) Self Audit; self-audit required by the Kentucky Division of Water and the U.S. Environmental Protection Agency; Sewer Department staff to perform most of the evaluation associated with the self-audit; RFQ for administrative and other support for the audit; funds available in 2006-2007 Fiscal Year Budget from Account No. 200.68.53265 (Sewer Department);
- 6.13 Authorized a Request for Qualifications for engineering services to assist Sewer Department staff with preparation of a Sanitary Sewer Overflow Response Plan (SORP); SORP part of upcoming consent decree negotiations; funds budgeted in 2006-2007 Fiscal Year Budget from Account No. 200.68.53265 (Sewer Department);
- 6.14 Approved a sewer extension contract with owner of Parkside Development at the Northwest Quadrant of U.S. 60 and I-64 in Frankfort, Franklin County, Kentucky; property is properly zoned for the development of 113 residential lots on 30 acres and the development of 1 commercial lot with 60 acres; improvements to include 40 new manholes and 550 feet of 10-inch SDR 35 pipe and 7,448 feet of 8-inch SDR 35 pipe; Jerry Woodall, Member, has signed the contract; Division of Water has approved the sanitary sewer plans and specifications; Final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed (Sewer Department);
- 6.15 Approved a sewer extension contract with owner of the Convenience Market at 2215 U.S. 127 South at Burlington Lane in Frankfort, Franklin County, Kentucky; property is properly zoned for commercial development with improvements including 2 new manholes and 317 feet of 8-inch SDR 35 pipe; Robert S. Rarden, Member, has signed the contract; Division of Water has approved the sanitary sewer plans and specifications; Final acceptance contingent upon completion of the 30-day waiting period for testing after construction is completed (Sewer Department).
- 6.16 Approved a sewer extension contract with owner of the real property and improvements located in Mill Creek Park in Franklin County, Kentucky; includes a private sanitary sewer extension owned and maintained by the Developer; Developer to make improvements to private sanitary sewer system consisting of 3 new manholes and 515 feet of 8-inch SDR 35 pipe to serve Mill Creek Park; Edwin Randle,

- Jr., Member, has signed the contract; Division of Water has approved the sanitary sewer plans and specifications; final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed (Sewer Department);
- 6.17 Authorized an engineering services agreement amendment with HMB Engineers for the East Main Outlet Project and authorize the Mayor to sign the amendment; per approved Change Order, contractor to reimburse the City for all costs associated with the change in tunnel alignment, including engineering review fees; the \$5,600 fee deducted from the Contractors contract price and added to HMB's contract through Amendment No. 8; funds are available in the 1997 Bond Issue and the Commonwealth of Kentucky's Holmes Street Drainage direct authorization;
- 6.18 Authorized a bid award for two-year supply contract for polyethylene corrugated drainage pipe to Advanced Drainage System (ADS) Inc. and authorized Mayor to sign the contract; this Unit Price contract to be used if pipe is purchased over the next two years; funds are available in the Street Division's Building Materials Account (100.62.54325);
- 6.19 Personnel:
- Promotion of Mike R, Ferguson from Firefighter III to Sergeant, effective 6-27-06 (Fire Department);
  - Retirement of Thomas J. Faulkner, Patrol Officer III, effective 5-31-06, and payment of all accrued time (Police Department);
  - Retirement of Mark Johnston, Firefighter III, effective 5-31-06, and authorize payment of all accrued time ((Fire Department);
  - Resignation of Greg Owens, Code Enforcement Inspector, effective 6-9-06, and payment of all accrued time (Planning and Building Codes);
  - Reinstatement of Eddie Harrod, Tech I, effective 6-19-06 (Street Department).

It was moved by Commissioner Williams, seconded by Commissioner Carter, that the Consent Agenda be approved. All members being present and no objection having been filed with the City Clerk, the motion was thereupon adopted by general consent.

**Board Appointments**

It was moved by Commissioner Bowers, seconded by Commissioner Carter, to accept the Mayor's recommendation to reappoint Charles Booe to the Planning Commission, for a term ending 7-1-10. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

**Old Business**

Following discussion, it was moved by Commissioner Carter, seconded by Commissioner Bryan, to approve a contract award to Brandstetter Carroll for design and location of a proposed aquatic center. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers and Bryan, and Mayor May (4). Voting against the motion was Commissioner Williams (1). The motion was thereupon adopted.

Commissioner Bowers requested the Noise Ordinance be revisited at the next work session to discuss standards of enforcement. Chief of Police Mark Wilhoite provided clarification regarding enforcement of the Ordinance. Commissioner Bowers asked Public Works Director Gary Muller as to how the City educates developers concerning their responsibilities under the Noise Ordinance and their hours of work. Mr. Muller reported that with adoption of the Big Box ordinance that evening, construction hours were established. Commissioner Bowers requested that the three new Commissioners make a commitment not to take action in a Work Session. Without objection, it was agreed to discuss this issue at the July 10<sup>th</sup> Work Session. Commissioner Bowers commented on the amount of City travel over the previous eighteen months, and suggested limiting travel. She requested travel requests be considered at Work Sessions.

Following discussion, it was moved by Commissioner Williams, seconded by Commissioner Carter, that staff be directed to proceed with bank stabilization work at Ft. Hill with the Housing Authority paying half the cost. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Commissioner Williams asked Public Works Director Jeff Hackbart the status of the temporary covered walkway on St. Clair Street. Mr. Hackbart explained funds are included in the FY 06-07 Transportation Improvement Account to undertake the first three recommended priorities for the two affected buildings. Without objection, staff directed to look into ways to improve the appearance of the temporary awning.

**New Business**

- It was moved by Commissioner Williams, seconded by Commissioner Carter that the following personnel actions be approved:
- Appointment of Jason G. Broyles to position of Pump Maintenance Assistant in the Sewer Department, effective 7-5-06;
  - Appointment of Matthew L. Tate to position of Pump Maintenance Assistant in the Sewer Department, effective 7-5-06;
  - Appointment of Ricky L. Benton to position of Tech I in the Sanitation Department, effective 6-27-06;
  - Retirement of Otis Loman from position of Community Service Specialist in the Police Department, and authorized payment of all accrued time as off effective date of 6-30-06.

The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

**Commissioner Comments**

Commissioner Carter requested that City Manager Tony Massey explain the incentive as part of the recent annexation; offered condolences to Fire Chief Possich and Police Chief Wilhoite for their recent losses; offered congratulations to Police Major Fred Deaton on his recent marriage; congratulated Steve Brooks and Russ Hatter for their "Best of Frankfort" awards from the Chamber of Commerce; called on Steve Brooks to announce the upcoming July 4<sup>th</sup> program to be held in partnership with the Governor's Office, the dedication of the Children's Memorial at Cove Spring Park, and the reinterment of the bodies from the Transportation Cabinet cemetery in Ft. Hill Park on July 8; and announced her upcoming graduation from Leadership Frankfort and complimented Robert Hewitt for his participation in Leadership Frankfort as well.

Commissioner Bowers requested that she be notified of the status of work orders. Commissioner Bryan requested an upcoming Thursday Work Session be devoted to Economic Development.

The meeting adjourned at 10:15 p.m., on a motion by Commissioner Carter, seconded by Commissioner Bryan.

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Mayor

Attest:

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City Clerk